



of Lowell - Planning Board

Planning Board Meeting Minutes

Monday, September 19 6:30 p.m.

City Council Chambers, 2nd Floor, City Hall

City of Lowell, 375 Merrimack Street, Lowell, MA

Remote Participation Optional via Zoom

Note: These minutes are not completed verbatim. For a recording of the meeting, visit www.ltc.org

Members Present

Chairman Linnehan

Vice Chairman Frechette

Member Lockhart

Member Cheng

Member Gallivan

Members Absent

Member Malavich

Others Present

Peter Cutrumbes, Assistant Planner

A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:32 PM

I. Minutes for Approval

9/8/2022 Minutes

T. Linnehan asked if we could change “accessible” to “handicap accessible” in the portion of the meeting discussing the St. Louis School project.

Motion:

G. Frechette motioned to continue the approval of the minutes until the October 3 meeting. R. Lockhart seconded. The vote was unanimous (5-0).

II. New Business

Special Permit – 48 Hampstead Street 01852

Coljack Development Corp. has applied to the Lowell Planning Board to subdivide the existing lot at 48 Hampstead Street and construct two (2) new single-family homes. The subject property is located in the

Traditional Single-Family (TSF) zoning district. The project requires Special Permit approval from the Lowell Planning Board pursuant to Section 5.1.1(7) to reduce the minimum frontage required by ten (10) feet, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

George Theodorou, the applicant's lawyer, spoke on behalf and briefly summarized the request. The applicant is seeking a Special Permit to reduce the frontage. G. Theodorou indicated they had been informed by the City staff that 3 public shade trees were taken down. He mentioned they were near the utility lines, and because Hampstead Street had just received its initial layer of paving, the trees had to be taken down so that the utility connections could be done before the final layer of paving was completed.

Matt Hammar, Engineer for the project, walked through the Site Plan with the Planning Board. He said the project will meet all zoning requirements besides frontage. M. Hammar also presented the architectural and floor plans.

T. Linnehan asked if they need a curb cut for the driveway. M. Hammar said the Engineer installed a small berm that is ok to go over.

Speaking in Favor:

Rob Boumil, 36 Hampstead Street, said he believes the project is positive for the neighborhood.

Speaking in Opposition:

Bob Cerovac, of 55 Dayton Street, spoke. His property touches the backyard of the proposed subdivision. He said most of the houses in the neighborhood are old and have 12-15,000 square foot lots. He feels the lots are too small. He expressed frustration that the neighbors were not informed of demolition, and that the dust from the demolition lowered the air quality in the neighborhood.

Discussion:

G. Frechette said that the lots have enough square footage, and that they only need relief on the frontage. He asked if GIS maps could be included in future applications. G. Frechette expressed satisfaction that it will provide new housing to the City.

R. Lockhart expressed support.

C. Cheng concurred. He felt the relief is minimal. He asked how stormwater will be retained on the site. M. Hammar said the system can retain the roof run off. C. Cheng said he thinks that run off from the driveway being retained would be excellent as well.

S. Gallivan expressed support. She requested that the trees are replaced at a 2 to 1 ratio for a total of 6 trees.

T. Linnehan said he walked the site himself and feels it is adequate for two homes. He noted that the direct abutter is in favor.

G. Frechette said that a landscape plan should be a condition of approval.

Motion:

G. Frechette motioned, with R. Lockhart seconding, to approve the Special Permit with the following condition:

- The applicant will file a landscape plan subject to DPD approval specifically addressing the replacement of the trees that were removed from the site.

The vote was unanimous (5-0).

Rezone Petition – 128 Maple Street 01852

In accordance with M.G.L. Chapter 40A, Section 5, the Lowell Planning Board will hold a Public Hearing to hear all interested persons relative to an ordinance to amend “The Code of Ordinances City of Lowell, Massachusetts,” with respect to Chapter 290, thereof entitled “Lowell Zoning Code” by extending the existing Light Industrial (LI) zoning district to include an area presently zoned Traditional Two-Family (TTF) at 128 Maple Street in Lowell.

On Behalf:

Attorney John Cox spoke on behalf of Pineapple Realty Trust LLC, the party who suggested this change. He explained that they are seeking to move the Light Industrial zoning line to the middle of Quebec Street, as opposed to its existing location on Maple Street, in order to make the sale of 128 Maple Street more attractive.

Speaking in Favor:

None

Speaking in Opposition:

Barbara DelGrosso, 1 Autumn Street. She said that their road cannot handle the industrial vehicles that use the site. This rezoning would make it worse.

Joseph DelGrosso, 1 Autumn Street. He stressed that the parcel is very close to the SILRESIM site, where disturbance to the soil could be dangerous. Mr. DelGrosso also stressed that the noise in the area is excessive. He asked if this is spot zoning. T. Linnehan said that because it is the extension of a current zone abutting the property, it is not spot zoning. J. Cox offered to work with Mr. DelGrosso, but stressed that the area is largely industrial.

Ken Gordon, representing the owner of 5 Cottage Place, said that the presenter does not know what will be done with the site. T. Linnehan said the Planning Board cannot control that, as this is just a discussion of the zoning district.

Jessica Aquino, Mr. Gordon’s client, said that more industrial uses would be dangerous for her small children. She also noted that the industrial uses have negatively impacted air quality.

Discussion:

T. Linnehan explained that this is just a recommendation from the Planning Board and that the City Council has the ultimate say.

G. Frechette said he had trouble determining which parcel was 128 Maple Street. M. Hammar showed the parcel on the map, but agreed it was confusing. G. Frechette also expressed concern about traffic and the speed of cars traveling through the area. G. Frechette also said that most of the Light Industrial zones are not being developed, and that he doesn't believe the rezoning creates a clear cut benefit. G. Frechette asked if the land has been cleared by MassDEP for chemical issues. J. Cox said yes. G. Frechette said the Board could send it to the City Council with a "no finding" decision.

R. Lockhart said it would be nice to know what would be going in at the site. He said that if it is rezoned to Light Industrial, there is not clear evidence it would be more likely to be developed.

J. Cox said that he can get the potential buyer to come to the next meeting if the Board would like to speak to them. J. Cox also stressed that he does not believe it would ever be redeveloped as residential.

S. Gallivan expressed opposition. She thinks it would be to the detriment of the existing homes in the neighborhood.

C. Cheng said that the proposed rezoning wouldn't improve the issues in the neighborhood, but could make them worse. He also noted that many industrial uses that could disrupt the neighborhood would not need a Special Permit, thus giving the land use boards less control. C. Cheng asked if the tracks have been taken out. M. Hammar said the vast majority have been taken out. C. Cheng said he would rather the TTF zoning is expanded. He is in opposition because it is bringing industry closer to the residents.

G. Frechette asked if there is any information on easements on the site that would prevent building. J. Cox provided a site plan with this information to the Board. M. Hammar said there are 3 big easements where nothing could be built (one from the City, one from the State Highway Department, and one from National Grid). This would make residential construction challenging. T. Linnehan asked for an estimate of how large the area is that could be built on. M. Hammar said around 2800 square feet. M. Hammar said any proposed building would not come any closer to Quebec Street, as the easement serves as a natural buffer.

C. Cheng stressed that rezoning it would bring more light industrial traffic down Quebec Street. G. Frechette said that the focus should be on the best use of the property, not hypothetical projects. He also expressed that residents reach out to the Transportation Engineer. J. Cox asked if he would want the potential owner to come in. G. Frechette said no, as discussing proposed projects could just create further confusion. G. Frechette said he is leaning towards a "no" finding, but that he would like to understand the restrictions of that site better. He said that perhaps it best serves as a natural buffer to the industrial uses across the street.

J. Cox asked for a "no finding" result. T. Linnehan said he wishes they knew what the proposed use would be. He also said that DPD says we need more Light Industrial zoning. He also mentioned that the site is probably too small for residential OR light industrial uses. M. Hammar said he believes the zoning, shape of the parcels, address, etc. has been the subject of oversights or confusion over the years.

G. Frechette believes the Council should weigh in, and that a result of "no finding" may be beneficial. He said there is a lot of "by right" development or projects only needing site plan review, and that there are not a lot of conditions the Board can do with that. He says they should issue with a result of "no finding" with a focus on the unique difficulties facing the development of the parcel. He believes a political process is necessary.

Motion:

Motion by G. Frechette, seconded by R. Lockhart, to issue a finding of “no finding”. The vote was unanimous (5-0).

Public Shade Tree Hearing – 91 Felton Street 01852

In Accordance with MGL Ch. 87.5 and the Chapter 260 of the Lowell Code of Ordinances, the Lowell Planning Board will hold a public hearing to hear all interested persons about the proposed removal of 1 public shade tree located at 91 Felton Street. The tree is causing the road pavement to heave and impacting a neighbor’s privacy fence.

On Behalf:

Mark Byrne, interim DPW commissioner, discussed the proposal. The tree is damaging the homeowner’s private wall. This tree has been a nuisance for many years. DPW will plant two trees as replacement.

Speaking in Favor:

Bob Grant, the owner of 91 Felton, stressed that the pavement is heaving in front of the house as well.

Speaking in Opposition:

None

Discussion:

S. Gallivan asked if the trees will be planted on public property or on 91 Felton Street. M. Byrne said on the public property within the ROW. S. Gallivan asked if it would be a similar species. M. Byrne said he will do whatever the Board asks. S. Gallivan said she is just worried about the new trees doing the same thing in the long term.

G. Frechette said he believes Jane Calvin from Lowell Parks and Conservation Trust will pick a species that works.

Motion:

T. Linnehan motioned, and R. Lockhart seconded, to approve the removal. The vote was unanimous (5-0).

III. Continued Business

IV. Notices

V. Further Comments from Planning Board Members

G. Frechette said that NMCOG is going to have their annual event at UTEC on the 3rd Wednesday of October.

R. Lockhart said the Historic Board has not recently met.

VI. **Adjournment**

Vote to adjourn at 8:15 by R. Lockhart, seconded by G. Frechette. The vote was unanimous (5-0).